

United States
Circuit Court of Appeals
For the Ninth Circuit.

SAMUEL W. BACKUS, as Commissioner of Im-
migration at the Port of San Francisco,
Appellant,

vs.

OWE SAM GOON,
Appellee.

In the Matter of OWE SAM GOON on Habeas Cor-
pus.

Transcript of Record.

Upon Appeal from the United States District Court for
the Northern District of California,
First Division.

Filed

JAN 28 1916

F. D. Mouckton,

Clerk.

United States
Circuit Court of Appeals
For the Ninth Circuit.

SAMUEL W. BACKUS, as Commissioner of Immigration at the Port of San Francisco,
Appellant,

vs.

OWE SAM GOON,
Appellee.

In the Matter of OWE SAM GOON on Habeas Corpus.

Transcript of Record.

Upon Appeal from the United States District Court for
the Northern District of California,
First Division.

INDEX TO THE PRINTED TRANSCRIPT OF RECORD.

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur. Title heads inserted by the Clerk are enclosed within brackets.]

	Page
Assignment of Errors	26
Certificate of Clerk U. S. District Court as to Original Exhibits	34
Certificate of Clerk, U. S. District Court, to Transcript on Appeal	31
Citation on Appeal	32
Demurrer to Petition for Writ of Habeas Cor- pus	7
EXHIBITS:	
Petitioner's Exhibit No. 1—Certificate of Residence	36
Exhibit "A"—Certified Record of Bureau of Immigration in Case of Owe Sam Goon	37
Findings...	57
Notice of Appeal	24
Opinion and Order Overruling Demurrer and Ordering Writ to Issue.....	8
Order Allowing Appeal	28
Order Discharging Owe Sam Goon from Cus- tody	23
Order Extending Time to File Record and Docket Case in Appellate Court	90

Index.	Page
Order Overruling Demurrer to Petition for Writ of Habeas Corpus, etc.	9
Order to Show Cause	6
Order Transmitting Original Papers to United States Circuit Court of Appeals	29
Petition for Appeal	25
Praecipe for Transcript of Record	1
Petition for Writ of Habeas Corpus.....	2
Return on Service of Writ	12
Return to Writ of Habeas Corpus.....	13
Stipulation Re Transmission of Original Ex- hibits, etc., to Appellate Court.....	31
Traverse to Return to Writ of Habeas Corpus..	17
Writ of Habeas Corpus	11

*United States of America, District Court of the
United States, Northern District of California.*

CLERK'S OFFICE.

No. —.

SAMUEL W. BACKUS

vs.

OWE SAM GOON.

Praecipe [for Transcript of Record].

To the Clerk of Said Court:

Sir: Please make copies of the following papers
to be used in preparing transcript on appeal:

Petition for Writ.

Order to Show Cause.

Demurrer.

Order Overruling Demurrer.

Writ of Habeas Corpus.

Return of Writ.

Traverse to Return.

Order of Discharge.

Petition for Appeal.

Assignment of Errors.

Notice of Appeal.

Order Allowing Appeal.

Two Exhibits.

WALTER E. HETTMAN,
Asst. U. S. Attorney,
Attorney for Appellant.

[Endorsed]: Filed Jun. 16, 1915. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [1*]

*Page-number appearing at foot of page of original certified Record.

*In the District Court of the United States, in and for
the Northern District of California.*

In the Matter of OWE SAM GOON, on Habeas
Corpus.

Petition for Writ of Habeas Corpus.

To the Above-entitled Court and to the Honorable
Judges thereof;

Your petitioner, OW SEONG, respectfully shows:

That the above-named OWE SAM GOON, is a
native of China and member of the Chinese race;

That he emmigrated from China and landed in the
United States forty-two years ago;

That he was registered as a Chinese laborer under
and by virtue of the act of Congress enacted May 5th,
1892, section 6 thereof, as amended by section 1, of
the act of Congress, enacted November 3, 1893, en-
titled "An act to prohibit the coming of Chinese per-
sons to the United States";

That pursuant to said registration said Owe Sam
Goon was given a certificate of residence entitling
him to remain in the United States; that ever since
the time of said arrival and registration he has con-
tinuously and is now maintaining a regular residence
and domicile within the borders of the United States;

That said Owe Sam Goon is unlawfully imprisoned,
detained, confined and restrained of his liberty by
Samuel W. Backus, as Commissioner of Immigra-
tion at *the of* San Francisco, at the Immigration
Station on Angel Island, Bay of San Francisco, State
of California, and within the jurisdiction of this
Court;

That said imprisonment, detention, confinement, and [2] restraint of his liberty is illegal and the illegality thereof consists in this:

That in the month of July, 1914, said Owe Sam Goon was arrested by the Immigration Inspector in and for the district of Arizona, as agent of the United States, notwithstanding said Owe Sam Goon presented to said Inspector a certificate fixing his status as a domiciled Chinese laborer; that thereafter the Secretary of Labor issued a warrant in which it was ordered that said Owe Sam Goon be deported to China, copy of said warrant is not attached hereto because it is impossible to secure a copy of said warrant of deportation.

That prior to the issuance of said warrant of deportation the said Owe San Goon has been, and now is, by the said Commissioner of Immigration and all persons before whom the matter has been considered, refused and denied a fair hearing in good faith, such as is guaranteed by law; and said warrant of deportation was issued by and through a manifest abuse of the discretion committed to each or any, or all of said persons, and through errors and mistakes of law; and in this behalf your petitioner alleges:

That said action on the part of said Immigration officials was a violation of section 12 of the act of May 6, 1882, as amended and added to by the act of July 5, 1884, of the laws relating to the admission of Chinese, which provides that "And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, and at the cost of the United

States, after being brought before some Justice, Judge, or Commissioner of a court of the United States.”

That said Owe Sam Goon was not so brought before any Justice, Judge, or Commissioner of a court, nor given a fair or proper, or any hearing as provided by law; [3]

That said Owe Sam Goon and your petitioner have exhausted all their rights and remedies before the Department of Labor; that said warrant of deportation is final as the judgment of the said Department of Labor; and that there is no appeal therefrom provided by law; unless a writ of habeas corpus issues out of this Honorable Court directed to said Commissioner of Immigration aforesaid, to whom said warrant of deportation is directed, the said Owe Sam Goon will forthwith be deported from the United States to China;

That there is no evidence of any kind, and that no evidence of any kind was provided to support the charge or charges against said Owe Sam Goon, and that all the evidence offered by Owe Sam Goon was cast aside and disregarded and not considered by any of the persons above referred to, and that the certificate and the designation of the statuts of Owe Sam Goon as issued and published by the United States Government were treated as nullities and of no effect or validity;

That Owe Sam Goon was and is ordered deported without due process of law or proof of any kind or character, tending to prove or proving the alleged charge or charges wrongfully and illegally brought against him;

WHEREFORE, your petitioner prays that a writ of habeas corpus be issued by this Honorable Court directed to and commanding the said Samuel W. Backus, Commissioner of Immigration, at the Port of San Francisco, to have and produce the body of the said Owe Sam Goon before this Honorable Court at its courtroom in the city and county of San Francisco, State of California, at the opening of the court on a day certain in order that the alleged cause of imprisonment, detention, confinement and restraint of the said Owe Sam Goon and the legality or illegality thereof may be inquired into and in order that, in case the said [4] imprisonment, detention, confinement and restraint are unlawful and illegal, that the said Owe Sam Goon be discharged from all custody, detention, imprisonment, confinement and restraint.

Dated this 27th day of March, 1915.

JOSEPH P. FALLON,
Attorney for Petitioner.

State of California,
City and County of San Francisco,—ss.

Ow Seong, upon being duly sworn, deposes and says:

That he is the petitioner in the foregoing petition; that he has read the contents thereof; that the same is true of his own knowledge except as to those matters therein stated on his information and belief, and as to those matters he believes them to be true.

(Chinese Characters) (OW SEONG).

Subscribed and sworn to before me this 27th day of March, 1915.

[Seal]

HARRY L. HORN,
Notary Public in and for the City and County of San
Francisco, State of California.

[Endorsed]: Filed Mar. 27, 1915. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [5]

*In the District Court of the United States, in and for
the Northern District of California.*

In the Matter of OWE SAM GOON, on Habeas
Corpus.

Order to Show Cause.

Upon reading and filing the verified petition of
Owe Seong, praying for the issuance of the writ of
habeas corpus, and good cause appearing therefor.

IT IS HEREBY ORDERED that Samnel W.
Backus, as Commissioner of Immigration at the Port
of San Francisco, at Angel Island, be and appear be-
fore the above-entitled court, Department Number
One thereof, on Saturday, the 3d day of March, 1915,
to show cause, if any he have, why a writ of habeas
corpus should not issue in this matter and the petition
granted as prayed, and this at the hour of 10 o'clock
of said day, and

IT IS FURTHER ORDERED that said Owe Sam
Goon be not removed from the jurisdiction of this
Court until the further order of this Court, and

IT IS FURTHER ORDERED that a copy of this
order be served upon said Samuel W. Backus or such
other person having said Owe Sam Goon in custody

as an officer of said Samuel W. Backus.

Dated March 27, 1915.

M. T. DOOLING,
Judge.

[Endorsed]: Filed Mar. 27, 1915. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [6]

*In the District Court of the United States, in and for
the Northern District of California, First Di-
vision.*

In the Matter of OWE SAM GOON, on Habeas
Corpus.

Demurrer to Petition for Writ of Habeas Corpus.

Now comes the respondent, Samuel W. Backus,
Commissioner of Immigration at the Port of San
Francisco, and demurs to the petition on file herein
on the following grounds:

I.

That said petition does not state facts sufficient to
entitle petitioner to the issuance of a writ of habeas
corpus or any relief thereon.

II.

That said petition is insufficient in that the state-
ments in the petition relative to the record of the
testimony taken on the hearing for the order of de-
portation of the applicant, *Oew Sam Goon*, are state-
ments of conclusions of law.

III.

That there was not attached to the copy of the pe-
tition for a writ of habeas corpus which has been
served upon the said respondent, a copy of the record

of the proceedings and testimony taken at the hearing of said applicant before the Immigrant Inspector.

WHEREFORE, respondent prays that the writ of habeas corpus be denied.

JOHN W. PRESTON,
United States Attorney.
WALTER E. HETTMAN,
Asst. U. S. Attorney.

Attorneys for Respondent. [7]

Received copy of the within demurrer this 10th day of April, 1915.

JOSEPH P. FALLON,
Attorney for Petitioner.

[Endorsed]: Filed Apr. 10, 1915. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [8]

*In the District Court of the United States, in and for
the Northern District of California, First Di-
vision.*

No. 15,802.

In the Matter of OWE SAM GOON, on Habeas
Corpus.

**Opinion and Order Overruling Demurrer and Order-
ing Writ to Issue.**

JOSEPH P. FALLON, Esq., Attorney for Pe-
titioner.

JOHN W. PRESTON, Esq., United States At-
torney and WALTER E. HETTMAN, Esq.,
Assistant United States Attorney, Attor-
neys for Respondent.

DEMURRER TO PETITION FOR WRIT OF
HABEAS CORPUS.

The petitioner, a native of China, came here in 1873 or 1874. In 1894 he registered and received his certificate as a Chinese laborer. He was arrested in Tucson on February 19th, 1915, having been found in a refrigerator car together with a fellow countryman. His case was heard by the Immigration Department, and not before a Commissioner or Judge, on the theory that he had recently entered the United States from Juarez, Mexico. To establish this fact one Pasqual Carrion of Juarez testified on February 26th, before an Immigration Inspector at El Paso that he had seen petitioner a number of times in a laundry at Juarez, the last time being in August or September of 1914. This testimony was not taken in the presence of petitioner, but the witness Carrion identified a photograph of petitioner as that of the man seen by him in the laundry at Juarez.

Under the Chinese Exclusion Act, a Chinese alien unlawfully in the country is entitled to a hearing before a Commissioner or Judge, before he may be deported. At such hearing the ordinary [9] rules of evidence are generally applied. Under the Immigration Act, however, *any* alien may be deported after a hearing before the immigration officers at any time within three years after the date of his entry into the United States, if such entry shall have been in violation of law. The claim here is that as petitioner was identified as having been in Juarez as late as August or September of last year, he must have entered from there in violation of law, as he did not

enter through any of the immigration channels. He was not found on the Mexican border, and the only evidence that he had been out of the United States within the three years, was the evidence of Carrion who did not see the petitioner himself for the purposes of identification, but only a photograph.

The Court does not undertake to prescribe rules of evidence for the Immigration Department, but in a case like the present where the very jurisdiction of the department depends upon the establishment of a certain fact, which fact when established, takes the alien's case out of the jurisdiction of the Courts of the United States where it is placed by the Chinese Exclusion Law, the Court is entitled to regard, not perhaps the weight of the evidence, but certainly the character of the evidence by which such a transfer of jurisdiction is effected. In the case at bar we have a Chinaman, resident of this country for 40 years, having a laborer's certificate entitling him to remain, who is not found near the Mexican border line, and who is ordered deported, without being confronted by the witness upon whose testimony the jurisdiction of the Immigration Department to make the order depends.

In my judgment, while affidavits and *ex parte* statements, and statements not under oath have been held admissible in proceedings by the Immigration Department looking to the exclusion or deportation of aliens, the right to remain here of a Chinese person [10] so long a resident of the United States, and who is fortified by the possession of that evidence of his proper presence here which the law requires should

not be made to depend upon the fact that some resident of another country not produced at the hearing has identified a photograph, when such identification is the only thing which could deprive the alien of his right to be heard before a Commissioner or Judge, where such identification would not be admissible as evidence at all.

Holding these views I am constrained to overrule the demurrer to the petition and direct the issuance of the writ.

The demurrer is therefore overruled, and the writ will issue as prayed for, returnable Saturday, May 22d, 1915, at 10 o'clock A. M.

May 17th, 1915.

M. T. DOOLING,
Judge.

[Endorsed]: Filed May 17, 1915. W. B. Maling, Clerk. By Lyle S. Morris, Deputy Clerk. [11]

*In the District Court of the United States, in and for
the Northern District of California, First Di-
vision.*

No. 15,802.

In the Matter of OWE SAM GOON on Habeas
Corpus.

Writ of Habeas Corpus.

The President of the United States of America, to
the Commissioner of Immigration, Port of San
Francisco, Calif., Angel Island, Calif., Greeting:

YOU ARE HEREBY COMMANDED that you
have the body of the said person by you imprisoned

and detained, as it is said, together with the time and cause of such imprisonment and detention, by whatsoever name the said person shall be called or charged, before the Honorable M. T. DOOLING, Judge of the District Court of the United States, for the Northern District of California, at the courtroom of said court, in the city and county of San Francisco, California, on the 22d day of May, A. D. 1915, at 10 o'clock A. M. to do and receive what shall then and there be considered in the premises.

AND HAVE YOU THEN AND THERE THIS WRIT.

WITNESS, the Honorable M. T. DOOLING, Judge of the said District Court, and the seal thereof, at San Francisco, in said District, on the 17th day of May, A D. 1915.

[Seal]

M. B. MALING,
Clerk.

By C. W. Calbreath,
Deputy Clerk. [12]

Return on Service of Writ.

United States of America,
Northern District of California,—ss.

I hereby certify and return that I served the annexed writ of habeas corpus on the therein-named Commissioner of Immigration, Port of San Francisco, California, Angel Island, California, by handing to and leaving a true and attested copy thereof with W. T. Boyce, Assistant Commissioner of Immigration of the Port of San Francisco, Cal., Angel Island, Cal., personally at San Francisco, California,

in said District on the 19th day of May, A. D. 1915.

J. B. HOLOHAN,

U. S. Marshal.

By I. W. GROVER,

Office Deputy.

[Endorsed]: Filed May 21, 1915. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [13]

*In the District Court of the United States, in and for
the Northern District of California, First Di-
vision.*

No. 15,802.

In the Matter of OWE SAM GOON on Habeas
Corpus.

Return [to Writ of Habeas Corpus.]

Now comes Samuel W. Backus, Commissioner of Immigration at the Port of San Francisco, by Charles D. Mayer, Immigrant Inspector, and in return to the order to show cause as to why a writ of habeas corpus should not issue from said court on the petition of Owe Sam Goon, respectively shows that your respondent holds said Owe Sam Goon, an alien, under and by virtue of an order of deportation signed and issued by the Secretary of Labor, after a due and proper consideration of the record in the case of the said Owe Sam Goon.

And respondent further answering said petition of said Owe Sam Goon, admits, denies and alleges as follows, to wit:

I.

Respondent admits the allegations in lines 15 to

20 inclusive of page 1 of said petition.

II.

Respondent admits the allegations in lines 21 to 31 inclusive of page 1 of said petition, but denies the allegations that the said alien Owe Sam Goon has resided continuously in the United States since his arrival here and alleges further that the said alien lived for a period in the year 1914 at Juarez, Mexico, where he was employed in a laundry.

Respondent further denies that the restraint or confinement of the said alien is in any way unlawful, [14]

Respondent admits the allegations in lines 3 to 11 inclusive of page 2 of said petition except that he denies that the said alien was arrested in the month of July, 1914, but alleges that the date of arrest was the first day of March, 1915.

Respondent further denies that the said certificate of registration as a domiciled Chinese laborer was presented to the Immigration Inspector at the time of the arrest but alleges that said certificate was not presented until the case of said alien, Owe Sam Goon, was heard on demurrer to a petition for a writ of habeas corpus before this Honorable Court.

III.

Respondent denies each and every allegation in lines 12 to 21 inclusive of page 2 of said petition.

IV.

Respondent admits the allegations in lines 22 to 33, inclusive, of page 2 of said petition and alleges further that sections 20 and 21 of the General Immigration Laws apply to the case of the said alien

and the Secretary of Labor is given concurrent jurisdiction with any justice, Judge or Commissioner of a court of the United States in ordering the deportation of any alien Chinese found unlawfully in the country.

Respondent further alleges that the warrant of deportation issued under and by virtue of sections 20 and 21 of the General Immigration Laws and without the bringing of the said alien before any justice, Judge or Commissioner of a court of the United States was in no way unfair, improper or illegal.

V.

Respondent admits the allegations in lines 1 to 10, inclusive, of page 3 of said petition. [15]

VI.

Respondent denies each and every allegation in lines 11 to 22, inclusive, of page 3 of said petition.

WHEREFORE, your respondent prays that a writ of habeas corpus do not issue herein, that the order to show cause be discharged and that the petition be dismissed.

JOHN W. PRESTON,

United States Attorney.

WALTER E. HETTMAN,

Assistant United States Attorney, Attorneys for
Respondent.

United States of America,
Northern District of California,
City and County of San Francisco,—ss.

Charles D. Mayer, being first duly sworn, deposes and says: That he is a Chinese and Immigrant

Inspector connected with the Immigration service for the port of San Francisco, and has been specially directed to appear for and represent the respondent, Samuel W. Backus, Commissioner of Immigration, in the within entitled matter; that he is familiar with all the facts set forth in the within return to order to show cause and knows the contents thereof; that it is impossible for the said Samuel W. Backus to appear in person or to give his attention to said matter; that of affiant's own knowledge the matters set forth in the return to order to show cause are true, excepting those matters which are stated on information and belief, and that as to those matters he believes it to be true.

CHARLES D. MAYER,

Subscribed and sworn to before me this 4th day of June, 1915.

[Seal]

T. L. BALDWIN,

Deputy Clerk U. S. District Court Northern District of California. [16]

Received a copy of the within return this 4th of June, 1915.

JOSEPH P. FALLON,

Atty. for Alien.

[Endorsed]: Filed Jun. 4, 1915. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [17]

*In the District Court of the United States, in and for
the Northern District of California, First Di-
vision.*

No. 15,802.

In the Matter of OWE SAM GOON, on Habeas
Corpus.

Traverse to Return to Writ of Habeas Corpus.

Comes now Ow Seong, the petitioner herein, and files that his traverse to the return of the respondent Samuel W. Backus, Commissioner of Immigration for the Port of San Francisco, and in traversing generally said return your petitioner does hereby deny each and every, all and singular, the material allegations and averments contained in said return which are at variance with or different from or inconsistent with each, any, some or all of the material averments or allegations contained in said petition for a writ of habeas corpus, and your petitioner does hereby reaffirm and reallege each and every, all and singular, the material allegations and averments contained in the petition for a writ of habeas corpus herein, with the same force and effect, and to all intents and purposes as if said material allegations and averments and each and all of them were now fully set forth at length in words and figures in this traverse, and further and specifically traversing said return your petitioner does now admit, deny, affirm and allege as follows, to wit:

Your petitioner traversing the introductory part of said return, admits that the said Samuel W.

Backus holds the said Owe Sam Goon, under and by virtue of an order of deportation signed and issued by the Secretary of Labor, but denies that said order of deportation was issued by said Secretary of Labor after due and proper consideration of the record in the case of the said Owe Sam Goon and in this behalf your petitioner reaffirms and realleges that said order of deportation was issued by and through [18] a manifest abuse of discretion and through errors and mistakes of law.

I.

Your petitioner traversing subdivision I, of said return contained in lines 27 to 28, inclusive, page one of said return, reaffirms and realleges, to wit:

“That the said Owe Sam Goon registered as a Chinese laborer under and by virtue of the act of Congress enacted May 5th, 1892, section 6 thereof, as amended by section I, of the act of Congress, enacted November, 3, 1893, entitled an act to prohibit the coming of Chinese persons to the United States,” and which said allegation is admitted by said return.

II.

Your petitioner traversing the first paragraph of subdivision II of said return, contained in lines 30 on page one and ending on line 6, of page two, of said return, reaffirms and realleges that the said Owe Sam Goon has lived in the United States continuously for a period of forty-two years; that ever since the time of his arrival in the United States he has continuously and is now maintaining a regular residence and domicile within the borders of the United States; and traversing further the said

paragraph your petitioner denies that the said Owe Sam Goon since his arrival in the United States, lived for a period in the year 1914, or at any other time, or at all, at Juarez, Mexico, or that he was ever employed in a laundry or any other establishment, or at all, at Juarez, Mexico.

Your petitioner traversing the second paragraph of subdivision II, lines 7 and 8 inclusive, page 2, of said return reaffirms and realleges that the restraint and confinement of Owe Sam Goon is in every way unlawful;

Your petitioner traversing the third paragraph of subdivision [19] II, lines 9 to 13, page 2 of said return, admits that the arrest of the said Owe Sam Goon took place in March, 1914, instead of July, 1914, as alleged in said petition, and in this behalf alleges that the said date was inserted through a clerical mistake.

Your petitioner traversing the fourth paragraph of subdivision II, lines 14 to 20, page 2 of said return, reaffirms and realleges that the said Owe Sam Goon possesses a certificate of registration, and the possession of said certificate was admitted by the Immigration officials before the hearing on the demurrer to the petition for a writ of habeas corpus before this Honorable Court; and that when the said certificate was introduced into the record, and which said certificate now forms a part of said record, it was admitted by the Government officials to be the duly issued certificate of the said Owe Sam Goon, and your petitioner further reaffirms and alleges, that the said certificate was treated of

no effect or validity.

III.

Your petitioner traversing subdivision III, lines 22 and 23, page 2, reaffirms and realleges that prior to the issuance of said order of deportation, the said Owe Sam Goon, was denied and refused a fair hearing in good faith, such as is guaranteed by law; and said order of deportation was issued by and through a manifest abuse of the discretion committed to each, or any, or all of the persons before whom the matter was considered.

IV.

Your petitioner traversing subdivision IV, lines 25, page 2 to line 1, page 3, inclusive of said return, reaffirms and realleges that said action on the part of said Immigration officials was a violation of section 12 of the act of May 6, 1882, as amended and added to by the act of July 5, 1884, of the laws relating to the admission of Chinese, which provides that; "And any Chinese persons found unlawfully within the United States shall be caused [20] to be removed therefrom to the country from whence he came, and at the cost of the United States, after being brought before some justice, Judge or Commissioner of a court of the United States." Further traversing the said paragraph, your petitioner denies that the Secretary of Labor is given concurrent jurisdiction by sections 20 and 21 of the General Immigration Laws with any justice, Judge or Commissioner of a court of the United States in ordering the deportation of said Owe Sam Goon, and your petitioner further denies that the said Owe

Sam Goon was found in the country unlawfully.

Your petitioner traversing paragraph 2, subdivision IV, lines 3 to 8, inclusive of said return reaffirms and realleges that the warrant of deportation issued under and by virtue of section 20 and 21 of the General Immigration Laws, and without the bringing of the said alien before any justice, Judge or Commissioner of a court of the United States was unfair, improper and illegal.

V.

Your petitioner traversing subdivision five, lines 10 and 11 inclusive of said return, reaffirms and realleges, that said Owe Sam Goon and your petitioner have exhausted all rights and remedies before the Department of Labor; that unless the writ of habeas corpus herein issued in this matter be made final, the said Owe Sam Goon will forthwith be deported from the United States to China.

VI.

Your petitioner traversing subdivision six, lines 22 to 25, page 3, of said return reaffirms and realleges, that there is no legal evidence or any evidence of any kind, and that no evidence of any kind was produced to support the charge or charges against said Owe Sam Goon, and that all the evidence offered by Owe Sam Goon was cast aside and disregarded and not considered by any of the persons claiming the right to arrest and deport said Owe Sam [21] Goon.

Further traversing said return your petitioner further reaffirms and realleges that the said Owe Sam Goon was and is ordered deported without due

process of law or proof of any kind or character, tending to prove or proving the alleged charge or charges wrongfully and illegally brought against him.

WHEREFORE, your petitioner prays that the writ of habeas corpus herein issued in this matter be made final, and that the detained alien go hence without day.

JOSEPH P. FALLON,
Attorney for Petitioner.

State of California,
City and County of San Francisco,—ss.

Ow Seong, being first duly sworn, deposes and says: That he is the petitioner named in the foregoing petition, that the same has been read and explained to him, and he knows the contents thereof; that the same is true of his own knowledge except as to those matters which are therein stated on his information and belief, and as to those matters believes it to be true.

(Chinese Characters.)

Subscribed and sworn to before me this 8th day of June, 1915.

[Seal] R. B. TREAT,
Notary Public in and for the City and County of San Francisco, State of California.

Received a copy of the within traverse of return this 8th day of June, 1915.

JOHN W. PRESTON,
U. S. Attorney.

[Endorsed]: Filed Jun. 8, 1915. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [22]

[Order Discharging Owe Sam Goon from Custody.]

*In the District Court of the United States, Northern
District of California.*

No. 15,802.

In the Matter of OWE SAM GOON on Habeas
Corpus.

This matter having been regularly brought on for hearing upon the issues joined herein, and the same having been duly heard and submitted, and due consideration having been had thereon, it is by the Court now here ordered, that the said named person in whose behalf the writ of habeas corpus herein was sued out, is illegally restrained of his liberty, as alleged in the petition herein, and that he be, and he is hereby discharged from the custody from which he has been produced, and that he go hence without day.

Entered this 8, day of June, 1915.

[Seal]

W. B. MALING,
Clerk.

By C. W. Calbreath,
Deputy Clerk.

[Endorsed]: Filed Jun. 8, 1915. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [23]

No. 15,802.

*In the District Court of the United States, in and for
the Northern District of California, First Di-
vision.*

In the Matter of OWE SAM GOON, on Habeas
Corpus.

Notice of Appeal.

To the Clerk of said Court and to Joseph P. Fallon,
Esq.:

You and each of you will please take notice that
the respondent herein, Samuel W. Backus, hereby
appeals to the Circuit Court of Appeals for the Ninth
Circuit, from the order and judgment rendered, made
and entered herein on the 8th day of June, 1915,
setting aside the return to the petition for a writ of
habeas corpus and granting the petition for a writ
of habeas corpus filed herein.

Dated San Francisco, June 8th, 1915.

JOHN W. PRESTON,

United States Attorney.

WALTER E. HETTMAN,

Asst. U. S. Attorney.

Attorneys for Respondent and Petitioner.

Received a copy of the within notice of Appeal
this 8th day of June, 1915.

JOSEPH P. FALLON,

Attorney for Owe Sam Goon.

[Endorsed]: Filed Jun. 8, 1915. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [24]

*In the District Court of the United States, in and for
the Northern District of California, First Di-
vision.*

No. 15,802.

In the Matter of OWE SAM GOON, on Habeas
Corpus.

Petition for Appeal.

Now comes the respondent, Samuel W. Backus, ap-
pellant herein, and says:

That on the 8th day of June, 1915, the above-
entitled court rendered, made and entered its order
and judgment setting aside the return to the Petition
for a writ of habeas corpus and granting the petition
for a writ of habeas corpus as prayed for on file
herein, in which said order and judgment certain
errors were made to the prejudice of this appellant,
all of which will appear in detail from the assign-
ment of errors to be filed herewith.

WHEREFORE, this appellant prays that an ap-
peal may be granted in this behalf to the Circuit
Court of Appeals for the Ninth Circuit, of the United
States, for the correction of the errors so complained
of, and further, that a transcript of the record, pro-
ceedings and papers in the above-entitled matter,
duly authenticated may be sent and transmitted to
the said Circuit Court of Appeals for the Ninth Cir-
cuit of the United States.

Dated San Francisco, June 8th, 1915.

JOHN W. PRESTON,
United States Attorney.

WALTER E. HETTMAN,
Assistant United States Attorney.

Attorney for Respondent and Appellant.

Received a copy of the within Petition for Appeal
this 8th day of June, 1915.

JOSEPH P. FALLON,
Attorney for Petitioner.

[Endorsed]: Filed Jun. 8, 1915. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [25]

*In the District Court of the United States, in and for
the Northern District of California, First Di-
vision.*

No. 15,802.

In the Matter of OWE SAM GOON, on Habeas
Corpus.

Assignment of Errors.

Comes now Samuel W. Backus, Commissioner of Immigration at Angel Island, California, respondent in the above-entitled cause by his attorneys, John W. Preston, United States Attorney, and Walter E. Hettman, Assistant United States Attorney, and for his appeal herein, assigns the following errors which he avers occurred upon the trial or hearing of the petition for a writ of habeas corpus, and upon which he will rely upon appeal to the Circuit Court of Appeals for the Ninth Circuit, to wit:

I. That the Court erred in granting the writ of

habeas corpus and discharging the alien Owe Sam Goon.

II. That the Court erred in holding that it had jurisdiction to issue the writ of habeas corpus in the above-entitled cause as prayed for in the petition.

III. That the Court erred in holding that the allegations contained in said petition for a writ of habeas corpus were sufficient in law to justify the granting and issuing of the writ of habeas corpus.

IV. That the Court erred in finding that the evidence upon which the Secretary of Labor issued the warrant of deportation for said Owe Sam Goon was incompetent, and of an insufficient character. [26]

V. That the Court erred in holding that the evidence was not for that proper character upon which the secretary based his warrant of deportation under and by virtue of section 21 of the General Immigration Rules and Regulations for the reason that this same evidence would not be admissible or competent in a deportation proceeding of an alien Chinese unlawfully in the country in a proceeding before a justice, judge or commissioner of a United States court.

VI. That the Court erred in applying the rules of evidence pertaining to a court of law of any justice, judge, or commissioner of the United States to the summary proceeding under the direction of the Secretary of Labor provided for under section 21, of the General Immigration Laws and Regulations.

VII. That the Court erred in discharging the said alien Owe Sam Goon from the custody of said respondent.

WHEREFORE, appellant prays that the judgment and order of the United States District Court in and

for the Northern District of California, made and entered herein in the office of the clerk of the court on the 3d day of June, A. D. 1915, granting the writ of habeas corpus be reversed.

San Francisco, Cal., June 8th, 1915.

JOHN W. PRESTON,

United States Attorney.

WALTER E. HETTMAN,

Assistant United States Attorney.

Received a copy of the within assignment of errors this 8th day of June, 1915.

JOSEPH P. FALLON,

Attorney for the Petitioner.

[Endorsed]: Filed Jun. 8, 1915. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [27]

In the District Court of the United States, in and for the Northern District of California, First Division.

No. 15,802.

In the Matter of OWE SAM GOON, on Habeas Corpus.

Order Allowing Appeal.

On the 8th day of June, 1915, came the respondent herein, Samuel W. Backus, through his attorneys John W. Preston, United States Attorney, and Walter E. Hettman, Assistant United States Attorney, and filed herein and presented to this Court, his petition praying for the allowance and appeal to the Circuit Court of Appeals for the Ninth Circuit, intended to be urged and prosecuted by him, and pray-

ing that a transcript of the record and papers upon which the judgment herein was rendered, duly authenticated, may be sent and transmitted to the Circuit Court of Appeals for the Ninth Circuit, and that such other and further proceedings may be had in the premises as may seem proper;

On condition whereof, the Court hereby allows the appeal herein prayed for, and that a certified transcript of all the record and all proceedings be prepared and presented by the clerk of this court to the Circuit Court of the United States for the Ninth Circuit, in the time prescribed by law.

Dated June 8th, 1915.

M. T. DOOLING,
United States District Judge.

Received a copy of the within order allowing an appeal this 8th day of June, 1915.

JOSEPH P. FALLON,
Attorney for Petitioner.

[Endorsed]: Filed Jun. 8, 1915. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [28]

*In the District Court of the United States, in and for
the Northern District of California, First Di-
vision.*

No. 15,802.

In the Matter of OWE SAM GOON, on Habeas
Corpus.

**Order Transmitting Original Papers to United
States Circuit Court of Appeals.**

It appearing to the Court that an appeal has been

taken in the above-entitled cause to the United States Circuit Court of Appeals for the Ninth Circuit; and

It further appearing that the said United States Circuit Court of Appeals in determining said appeal should inspect the following original papers, to wit:

Certified record of the Bureau of Immigration in the case of Ow Sam Goon, being Respondent's Exhibit "A," and Certificate of Residence, No. 21,350 issued to Owe Sam Goon, Chinese laborer, being Petitioner's Exhibit 1.

IT IS HEREBY ORDERED that the clerk of the above-entitled court turn over and deliver to the clerk of the United States Circuit Court of Appeals for the Ninth Circuit the aforesaid original papers, and that the said original papers be filed for safe-keeping with the other papers on file with the said clerk in said cause, and as soon as said cause is determined on appeal by the said Circuit Court of Appeals for the Ninth Circuit, the said original papers are to be returned to the clerk of this court.
[29]

Dated, December 8, 1915.

M. T. DOOLING,

Judge of the District Court of the United States,
Northern District of California, Department
No. 1.

**Stipulation [Re Transmission of Original Exhibits,
etc., to Appellate Court].**

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys representing the respective parties in the above-entitled cause, that the original papers herein above set forth may be transferred in their original form (and without being transcribed) to the clerk of the said United States Circuit Court of Appeals for the Ninth Circuit, and that the said original papers may be considered by the said United States Circuit Court of Appeals for the Ninth Circuit in their original form (and without being transcribed) in determining said cause on appeal, without objection on the part of either of the said respective parties.

JOSEPH P. FALLON,
Attorney for Appellee,
JNO. W. PRESTON,
U. S. Attorney,
CASPAR A. ORNBUN,
Asst. U. S. Attorney,
Attorneys for Appellant.

[Endorsed]: Filed Dec. 8, 1915. W. B. Maling,
Clerk. By Lyle S. Morris, Deputy Clerk. [30]

**Certificate of Clerk, U. S. District Court, to
Transcript on Appeal.**

I, Walter B. Maling, Clerk of the District Court of the United States, for the Northern District of California, do hereby certify that the foregoing 30 pages,

numbered from 1 to 30 inclusive, contain a full, true and correct Transcript of certain records and proceedings, in the matter of Owe Sam Goon, on Habeas Corpus, No. 15,802, as the same now remain on file and on record in the office of the clerk of said District Court; said transcript having been prepared pursuant to and in accordance with the "praecipe," (copy of which is embodied in this transcript), and the instructions of United States Attorney, attorney for appellant herein.

I further certify that the costs for preparing and certifying the foregoing transcript on appeal is the sum of Fifteen Dollars and Eighty Cents (\$15.80),

Annexed hereto is the original citation on appeal, issued herein (pages 32 and 33).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court, this 9th day of December, A. D. 1915.

[Seal]

WALTER B. MALING,

Clerk.

By C. W. Calbreath,

CMT.

Deputy Clerk. [31]

Citation on Appeal.

UNITED STATES OF AMERICA,—ss.

The President of the United States, to Owe Sam Goon and to his Attorney, Joseph P. Fallon, Esq., Greeting:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the city of San

Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the clerk's office of the United States District Court for the Northern District of California, Division No. 1, thereof, wherein Samuel W. Backus, Commissioner of Immigration for the Port of San Francisco, is appellant, and you are appellee, to show cause, if any there be, why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable MAURICE T. DOOLING, United States District Judge for the Northern District of California, this Fifteenth day of June, A. D. 1915.

M. T. DOOLING,
United States District Judge. [32]

United States of America,—ss.

On this 16th day of June, in the year of our Lord one thousand nine hundred and fifteen, personally appeared before me, Joseph E. Connolly, the subscriber, and makes oath that he delivered a true copy of the within citation to Joseph Fallon, attorney for Owe Sam Goon.

JOSEPH E. CONNOLLY.

Subscribed and sworn to before me at San Francisco, this 16th day of June, A. D. 1915.

[Seal] C. W. CALBREATH,
Deputy Clerk U. S. District Court, Northern District of California.

[Endorsed]: No. 15,802. United States District Court, for the Northern District of California. Samuel W. Backus, as Commissioner of Immigration at the Port of San Francisco, Appellant, vs. Owe Sam Goon. Citation on Appeal. Filed Jun. 16, 1915. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [33]

[Endorsed]: No. 2702. United States Circuit Court of Appeals for the Ninth Circuit. Samuel W. Backus, as Commissioner of Immigration at the Port of San Francisco, Appellant, vs. Owe Sam Goon, Appellee. In the Matter of Owe Sam Goon on Habeas Corpus. Transcript of Record. Upon Appeal from the United States District Court for the Northern District of California, First Division.

Filed December 9, 1915.

F. D. MONCKTON,
Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

By Meredith Sawyer,
Deputy Clerk.

**Certificate of Clerk U. S. District Court as to
Original Exhibits.**

I, Walter B. Maling, Clerk of the District Court of the United States, for the Northern District of California do hereby certify that the annexed document (two in number), being Respondent's Exhibit "A" (Immigration Record), and Petitioner's Exhibit 1 (Certificate of Residence), are the original exhibits, introduced and filed in the matter of Owe Sam Goon. on habeas corpus, No. 15,802, and are herewith trans-

mitted to the Circuit Court of Appeals, for the Ninth Circuit, as per stipulation and order filed in this court, and embodied in the transcript on appeal, herewith.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court this 9th day of December, A. D. 1915.

[Seal]

WALTER B. MALING,
Clerk.

CWT.

By C. W. Calbreath,
Deputy Clerk.

[Petitioner's Exhibit No. 1.]

No. 21350

ORIGINAL

UNITED STATES OF AMERICA.
Certificate of Residence.

Issued to Chinese LABORER, under the Provisions of the Act of May 5, 1892.

This is to Certify THAT Owe Sam Loon, a Chinese
LABORER, now residing at Sacramento, Cal.

has made application No. 2350 to me for a Certificate of Residence, under the provisions of the Act of Congress approved May 5, 1892, and I certify that it appears from the affidavits of witnesses submitted with said application that said Owe Sam Loon was within the limits of the United States at the time of the passage of said Act, and was then residing at Barrow City, New and that he was at that time lawfully entitled to remain in the United States, and that the following is a descriptive list of said Chinese LABORER, viz.:

NAME: Owe Sam Loon AGE: 38 years
LOCAL RESIDENCE: Sacramento, Cal.
OCCUPATION: Cook HEIGHT: 5 ft 11 3/4 COLOR OF EYES: Brown
COMPLEXION: Brown PHYSICAL MARKS OR PECULIARITIES FOR
IDENTIFICATION: scar on chin

And as a further means of identification, I have affixed hereto a photographic likeness of said Owe Sam Loon

GIVEN UNDER MY HAND AND SEAL this 2nd day
of March, 1894 at Sacramento.
State of California

M. Stewart
Collector of Internal Revenue,

Fourth District of California

Owe Sam Loon
21350

33

[Endorsed]: No. 15,802. U. S. District Court, Northern District of California, First Division. In the Matter of Owe Sam Goon on Habeas Corpus. Petnrs. Exhibit "1." Filed Apr. 17, 1915. W. B. Maling, Clerk. By Lyle S. Morris, Deputy Clerk.

Case No. 2702. U. S. Circuit Court of Appeals, for the Ninth Circuit. Petitioner's Exhibit No. 1. Filed Dec. 9, 1915. F. D. Monckton, Clerk.

[Respondent's Exhibit "A."]

**U. S. DEPARTMENT OF LABOR.
BUREAU OF IMMIGRATION.**

Subject: No. 53944.
35.

INCLOSURE 28310.

From

**U. S. DEPARTMENT OF LABOR.
IMMIGRATION SERVICE.**

Port of
Gen. No. 16.

DEPARTMENT OF LABOR.

No. 53944/35.

San Francisco.

Washington, D. C., March 30th, 1915.

I hereby certify that the annexed is a true copy of the original file constituting the record of the Bureau of Immigration, Washington, D. C., in the case of the alien Ow Sam Goon.

~~on file in the~~

ALFRED HAMPTON,
Acting Commissioner-General of Immigration.
(Official Title.)

OFFICE OF THE SECRETARY.

I hereby certify that Alfred Hampton, who signed the foregoing certificate, is now, and was at the time of signing, Acting Commissioner-General of Immigration and that full faith and credit should be given his certification as such.

In witness whereof, I have hereunto subscribed my name, and caused the seal of the Department of Labor to be affixed this 30th day of March, one thousand nine hundred and fifteen.

[Seal]

J. M. DENSMORE,
Acting Secretary of Labor.

EFH.

U. S. DEPARTMENT OF LABOR.
IMMIGRATION SERVICE.

944/35.

In answering refer to
No. 5015/122.

Office of Supervising Inspector,
El Paso, Texas.

March 12, 1915.

Received

Bureau of Immigration
Mar. 16, 1915.

Commissioner-General of Immigration,
Washington, D. C.

Referring to Bureau file No. 53865/6, there are returned herewith, duly executed, formal warrants of arrest covering Chinese aliens, as follows:

From El Paso:

No. 53944/21, dated Feb. 10, 1915, covering Sam Kee
and Jeu Koy.

No. 53944/28, dated Feb. 16, 1915, covering Lew Wong and Hom Dock.

No. 53944/30, dated Feb. 18, 1915, covering Hin Lee Woo, Soo Ho Loy and Charlie Kwok Won.

No. 53944/33, dated Feb. 24, 1915, covering Lee Sing and Wong Bing.

No. 53944/37, dated Mch. 2, 1915, covering Haw Jung.

From Tucson:

No. 53352/1, dated Jan. 20, 1915, covering Fung Leung alias Louie Sare Lung.

No. 53908/60, dated Mch. 1, 1915, covering Fung Quan.

No. 53944/13, dated Feb. 1, 1915, covering Chan Ming and Wong See.

No. 53944/22, dated Feb. 11, 1915, covering Soo Buck How.

No. 53944/31, dated Feb. 23, 1915, covering Hoo Jew alias Woo Jew, and Lee Chuck Wah.

No. 53944/35, dated Feb. 27, 1915, covering Ow Sam Goon.

No. 53949/9, dated Feb. 15, 1915, covering Ah Pak.

These aliens were all joined to a party in charge of Inspector Elbert P. Trowbridge, which left El Paso on train No. 9 at 6 P. M., March 10, 1915. This district incurred no expense for attendant incident to any of these deportations.

In addition to the aliens above named, there were joined to the said party (at El Paso) the alien Huie Hong, covered by warrant No. 53944/24, of Feb. 12, 1915, which likewise embraces Wong Sin, whose case has not yet been disposed of, and (at Tucson) the

alien Chin Tong, on judicial writ, Bureau file No. 53867/31.

It is assumed that formal warrants of deportation will be returned to the Bureau by the San Francisco office.

Exact copy as signed by F. W. Berkshire.

Mailed Mar. 12, 1915.

Supervising Inspector.

Inc. No. 2010.

Received Mar. 17, 1915. Correspondence.

WARRANT—ARREST OF ALIEN.

UNITED STATES OF AMERICA.

U. S. DEPARTMENT OF LABOR.

Washington.

El Paso No. 5025/708A.

No. 53944/35.

Received

Mar. 3, 1915,

Immigration Service,

El Paso, Texas.

Received

Mar. 4, 1915,

Immigration Service,

Tucson, Ariz.

To F. W. BERKSHIRE, Supervising Inspector, El Paso, Texas, or to any Immigrant Inspector in the service of the United States:

WHEREAS, from evidence submitted to me, it appears that the alien, Ow Sam Goon, who landed at the port of an unknown port, on or about the 15th day of February, 1915, is subject to be taken into

custody and returned to the country whence he came under section 21 of the immigration act approved February 20, 1907, being subject to deportation under the provisions of a law of the United States, to wit, the Chinese-exclusion laws, for the following among other reasons:

That he re-entered the United States in violation of section 7, Chinese exclusion act of September 13, 1888, being a Chinese laborer who failed to produce to the proper officer the return certificate required by said section, and, whereas, from evidence submitted to me, it appears that the said alien has been found in the United States in violation of the act of February 20, 1907, amended by the act approved March 26, 1910, for the following among other reasons:

That he entered in violation of section 36 of said act (rule 13).

I, Louis F. Post, Assistant Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said alien and grant him a hearing to enable him to show cause why he should not be deported in conformity with law.

The expenses of detention hereunder, if necessary, are authorized, payable from the appropriation "Expenses of Regulating Immigration, 1915." Pending disposition of his case the alien may be released from custody upon furnishing satisfactory bond in the sum of \$2,500.00.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 27th day of February, 1915.

[Seal]

LOUIS F. POST,
Assistant Secretary of Labor.

CEB.

Tucson, Arizona, March 4, 1915.

WARRANT—ARREST OF ALIEN, OW SAM
GOON.

Executed and hearing accorded at Tucson, Arizona,
March 1, 1915.

ALFRED E. BURNETT,
Immigrant Inspector.

Received Mar. 12, 1915, Immigration Service, El
Paso, Texas.

Nos. 53944/17-31-35-37-30.

53903/60.

March 9, 1915.

Immigration Service,
San Francisco, Cal.

Dethrone China Fung Quan, Ow Sam Goon,
Charlie Kwok Won, Soo Ho Loy, all zebu, erudite,
via. Pacific Mail. Detouate China Hoo Jew, zealot,
erudite, via Pacific Mail. Dethrone Mazatlan, Mex-
ico, Haw Jung, zamar, erudite, Lee Chuck Wah,
zealot, erudite, Chin Gim Fook, erudite. Aliens will
be delivered your port with party leaving El Paso
tenth.

Assistant Secretary.

RHH.

515P.

Exact copy as signed by LOUIS F. POST.

Mailed 3/9/15 by O.

Nos. 53944/17-21-33-39-36.

53908/60.

March 8, 1915.

Immigration Service,

El Paso, Texas.

Department Fung Quan, Charlie Kwok Won, Soo Ho Loy, Ow Sam Goon, zebu, Lee Chuck Wah, Hoo Jew, Chin Gim Fook, zealot, and Haw Jung, ———, all erudite, deputize San Francisco with Wednesday's party. If Fung Quan secured certificate by fraud present facts to United States Attorney with a view to prosecution, if facts justify, and stay deportation accordingly.

Assistant Secretary.

CEB.

515P.

Exact copy as signed by LOUIS F. POST.

Mailed 3/9 by J.

WARRANT—DEPORTATION OF ALIEN.

UNITED STATES OF AMERICA.

U. S. DEPARTMENT OF LABOR.

Washington.

No. 53944/35.

To SAMUEL W. BACKUS,

Commissioner of Immigration, Angel Island
Station, San Francisco, Cal.

WHEREAS, from proofs submitted to me, after

due hearing before Immigrant Inspector Alfred E. Burnett, held at Tucson, Ariz., I have become satisfied that the alien, Ow Sam Goon, who landed at an unknown port, subsequent to the 1st day of July, 1914, is subject to be returned to the country whence he came under section 21 of the Immigration Act approved February 20, 1907, being subject to deportation under the provisions of a law of the United States, to wit, The Chinese-exclusion laws, in that:

He re-entered the United States in violation of section 7, Chinese-exclusion act of September 13, 1888, being a Chinese laborer who failed to produce to the proper officer the return certificate required by said section, and, WHEREAS, from proofs submitted to me, after due hearing before Immigrant Inspector Alfred E. Burnett, held at Tucson, Ariz., I have become satisfied that the said alien has been found in the United States in violation of the act of Congress approved February 20, 1907, amended by the act approved March 26, 1910, in that:

He entered in violation of section 36 of said act (rule 13),

I, Louis F. Post, Assistant Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to return the said alien to China, the country whence he came, at the expense of the appropriation "Expenses of Regulating Immigration, 1915." You are directed to purchase steerage transportation for the alien from San Francisco, Cal., to his home in China, via. the Pacific Mail Steamship Company, payable from the above-mentioned appropriation. The alien

will be conveyed to your port in connection with a party from El Paso, Texas, pursuant to telegraphic instructions of this date.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 9th day of March, 1915.

Assistant Secretary of Labor.

CEB.

Exact copy as signed by LOUIS F. POST.

Mailed 3/10 by J.

WIP.

53944/35

Chinese.

March 9, 1915.

In re OW SAM GOON.

Memorandum for the Assistant Secretary:

This Chinese person was arrested at Tuscon, Arizona, on the grounds that he re-entered the United States in violation of Section 7, Chinese Exclusion Act of September 13, 1888, being a Chinese Laborer who failed to produce to the proper officer the return certificate required by said Section; and that he entered in violation of Section 36 of the Immigration Act (Rule 13).

This alien in company with a fellow countryman named Fung Quan was taken from a refrigerator car in the Southern Pacific Railroad yards at Tucson on February 19. Ow Sam Goon claims that he has resided in the United States for 15 years and that he has never left the United States since his arrival in

1873. These statements have been contradicted by the testimony of a witness named Pasqual Carrion who testified that he knew Ow Sam Goon as a resident of Juarez, Mexico, and has seen him in that place on many occasions, the last time being in September, 1914. The above-named alien was unable to produce evidence or witnesses to substantiate his claims and has no papers of any kind to show his right to be and remain in the country. It is not believed that he crossed the border for the purpose of securing a free trip to China, and in fact prefers to be sent to Mexico rather than China. The Bureau is satisfied that the allegations as contained in the outstanding warrant are sustained and recommends alien's deportation to China at Government expense on those grounds.

For the Commissioner-General:

A. WARNER PARKER,
Law Officer.

HMc—M.

Approved:

LOUIS F. POST,
Assistant Secretary.

Received

Mar. 9, 1915.

Correspondence.

U. S. DEPARTMENT OF LABOR.

Immigration Service.

944/35.

In answering refer to

No. 5025/708-A.

Office of Supervising Inspector,

El Paso, Texas.

March 2, 1915.

Received

Bureau of Immigration,

Mar. 6, 1915.

Commissioner-General of Immigration,

Washington, D. C.

There is forwarded herewith record of warrant hearing accorded the Chinese Ow Sam Goon by Inspector Alfred E. Burnett at Tucson, Arizona, March 1, 1915, pursuant to telegraphic warrant of the 27th instant.

The evidence is summarized in the report of Inspector Alfred E. Burnett, No. 1517/151-A of the 1st instant, a copy of which accompanies the record. It appears from the evidence that the person named is an alien, native and subject of China, and entered the United States from Mexico, at some place unknown, subsequent to July 1, 1914, without inspection; further that he is subject to the provisions of section 21 of the Immigration Act, for the reasons stated in the record. The examining officer recommends deportation to Mexico.

This office concurs in the findings of Inspector Burnett. However, there being no evidence showing the alien to have acquired domicile in Mexico, and the circumstances surrounding his arrest clearly demonstrating that he did not effect illegal entry for the purpose of being deported to China at Government expense, the writer recommends deportation to China, the country whence the alien, according to his own testimony, originally came.

F. W. BERKSHIRE,
Supervising Inspector.

Inc. No. 2382.

U. S. DEPARTMENT OF LABOR.

Immigration Service.

In answering refer to

No. 1517/151-A.

Office of Inspector in Charge,
Tucson, Ariz.

March 1, 1915.

Supervising Inspector,
Immigration Service,
El Paso, Texas.

Referring to your file No. 5025/708-A, there is transmitted herewith in duplicate record of hearing accorded the alien, Ow Sam Goon, pursuant to Departmental telegraphic warrant dated February 27, 1915, the charges therein being represented by a translation of the code-words "zebu" and "erudite."

The record hereunder sustains both charges. The essential elements in the case may be summarized briefly as follows: The subject of these proceedings, with a Chinaman who gave the name Fung Quan,

alias Poong Quan, alias Poon Wah Poo, was taken from the vent of a refrigerator car in the local S. P. railroad yards on the 19th instant; Ow Sam Goon claims that after having resided in the United States for some forty years, he left Sacramento, California, some eight months ago and wandered down into this part of the country seeking employment; that a few hours before he got into the car he arrived at a place called Tucson and there entered the car, finding that the man apprehended with him was already in the car; that he traveled therein several hours before he was taken therefrom by an officer of this place (Tucson, which he apparently thought was Los Angeles, California); he claims that he has never left the United States since his first arrival in 1873 or 1874; that at the time of his first arrival in this country he was a cook, and that he has been a laborer all the time in the United States; he claims that, not having been out of the United States, he, of course, has not at any time presented to an Immigration officer the return certificate required of laborers by the Chinese-exclusion Act, and that at no time within the last three years has he been inspected at a port of entry for aliens generally by an Immigration officer. The witness Pasqual Carrion, in his statement before Inspector Wilmoth at El Paso, Texas, February 26, 1915, testified that he knew Ow Sam Goon as a resident of Juarez, Mexico, seeing him in that place on several occasions, the last of which was either in August or September, 1914; this witness testified from a photograph of Ow Sam Goon which was forwarded to your office from this office, and which has

been thoroughly identified by the witness, his examining officer, and the alien Ow Sam Goon.

Having in mind the last sentence of Bureau circular letter No. 53858/49-53855/28 dated January 28, 1915, I have recommended the alien's deportation to Mexico rather than to China. The alien probably has a certificate of residence in the keeping of a friend in Sacramento, California, to which place he will probably endeavor to return in the course of time; it is suggested, in view of this and all other circumstances of the case, that deportation be effected to Mazatlan, Mexico, rather than across the land boundary of the United States and Mexico.

Inspector in Charge.

AOH. incl. 3040.

Exact copy as signed by ALFRED E. BURNETT.
Mailed Mar. 1, 1915, by AOH.

Received
Mar. 2, 1915,
Immigration Service,
El Paso, Texas.

WARRANT HEARING.

IMMIGRATION SERVICE, MEXICAN BORDER DISTRICT.

File No. 1517/151-A.

IN THE MATTER OF OW SAM GOON, arrested pursuant to Departmental telegraphic warrant dated February 27, 1915, charged with being unlawfully in the United States in that he entered in violation of section 36 of the Act approved February 20, 1907, and Rule 13, Immigration Rules; and charging further that he is subject to be taken into custody

and returned to the country whence he came under section 21 of the above-mentioned Act, being subject to deportation under the provisions of a law of the United States—to wit, the Chinese-exclusion laws—for the reason that he re-entered the United States in violation of section 7 of the Act of September 13, 1888, being a Chinese laborer who failed to produce to the proper officer the return certificate required by said section.

Hearing had before Immigrant Inspector ALFRED E. BURNETT, in the office of the Inspector in Charge, Tucson, Arizona, on this 1st day of March, 1915.

Present: ALFRED E. BURNETT, Examining Officer.

W. WHITE THACHER, Chinese Interpreter.

ABRAM O. HADDEN, Stenographer.

Warrant presented, read, and explained to the alien, who is advised of the nature of the proceedings, and that he may be released from custody during the pendency of the case upon furnishing a satisfactory bond in the sum of Twenty-five Hundred Dollars (\$2,500.00).

Medical examiner certifies alien afflicted “with slight mitral regurgitation; can be deported without danger to life.” Certificate attached.

ALIEN SWORN.

My name is Ow Sam Goon, no other name; I am fifty-nine years of age; I was born in Oong Woo Lay village, H. P. District, China; I am a citizen of China;

and of the Chinese race; I entered the United States in 1873 or 1874 at the Port of San Francisco, California, coming directly from Hong Kong, China; my occupation at that time was cook, I am still a cook; in the United States I have no relatives; I have two nephews, Ow Sing Deck and Ow Sing Look, in my native village, China.

(Examining Officer to Alien.)

Q. You claim to be a native-born citizen of China, do you? A. Yes.

Q. You made a sworn statement before me in this office February 20, 1915, relative to your right to be and remain in the United States, did you not?

A. Yes.

Q. Were all the statements made by you on that occasion true? A. All true.

Q. Do you desire to change any of the testimony you gave at that time?

A. I do not wish to change any of it.

Q. Now, you are advised that a transcript of that statement accompanied the formal application for warrant of arrest in your case, and that the same will be considered by the Department in connection with the final determination of your case.

A. I don't want to change any of the statements; let it go as it was.

Q. Now, from your statement it appears that you and another Chinaman who gave his name as Fung Quan, alias Poong Quan, alias Poong Wah Poo, were taken from the vent of a refrigerator car which arrived from the east in Southern Pacific freight train on the night of the 19th ultimo in this city. Is

that true? A. Yes, sir.

Q. And in that statement you claimed that you had boarded that car several hours before it arrived at the place where you were taken out by an officer. Is that true? A. About that length of time.

Q. And you claimed also that you had boarded that car at the town of Tucson, somewhere east of the place where you were apprehended, and that you did not know at the time you were testifying before me that you were then in the city of Tucson.

A. I understood it was the place called Tucson, though I did not know.

Q. You claimed also at that time that you had walked to the place where you boarded that car, from the vicinity of Sacramento, California, coming via Fresno, California, recently. Is that true?

A. I did not come direct, but I had been wandering for some time looking for work, and finally I got to the place called Tucson, where I got in the car.

Q. I now introduce in evidence as a part of the record of hearing in your case, transcript of statement made by the witness Pasqual Carrion before Immigrant Inspector Grover C. Wilmoth in the office of the Supervising Inspector, El Paso, Texas, on February 26, 1915. This statement will be attached to the record and marked "Exhibit 1" for identification. The Interpreter will now translate to you said statement.

(Statement referred to as "Exhibit 1" translated to the alien by Chinese Interpreter Thacher.)

(Examining Officer to Alien.)

Q. I now introduce in evidence statement made by

Immigrant Inspector Grover C. Wilmoth in the office of the Supervising Inspector, U. S. Immigration Service, El Paso, Texas, February 27, 1915, said statement being identified by the signature of the maker and by the notation "El Paso file No. 5025/708-A." To the original signed statement is firmly attached in the upper left-hand corner a photograph bearing at the top thereof above the head of the person represented, the signature of "P. Carrion" written in ink; bearing also across the lower part of the photograph and extending from the right shoulder across the body, the words written in ink, "Ow Sam Goon"; and still lower on the photograph the signature "Grover C. Wilmoth, February 26, 1915." This original statement with the photograph attached will accompany the record of hearing in your case, marked for identification "Exhibit 2." The Interpreter will translate said statement to you.

(Statement referred to as "Exhibit 2" translated to the alien by Chinese Interpreter Thacher.)

(Examining Officer to Alien.)

Q. Look at the photograph attached to "Exhibit 2" and state whether or not it is a photograph of yourself. A. Yes.

Q. Is that the photograph made here in Tucson after you were taken out of the box-car?

A. Yes, I was photographed in the back room there.

Q. What, if anything, have you to say in answer to the testimony of the witness Pasqual Carrion to the effect that you were in Juarez, Mexico, in August or September, 1914?

A. If he states that he has seen me in Juarez,

Mexico, what can I say; if he says he has seen me there I cannot say anything else.

Q. Then you don't deny that this witness did see you in Juarez, Mexico, in August or September, 1914?

A. I have never been there, I don't know the place.

Q. Do you desire to offer any testimony in support of your claim that you have never been in Juarez, Mexico?

A. No, I cannot offer any evidence or any witnesses.

Q. Have you at any time since July 1, 1914, produced to the proper officer the return certificate which is required by the Chinese-exclusion laws of all Chinese laborers who return to this country after a temporary visit abroad? A. No.

Q. Have you ever at any time presented to an Immigration officer a Chinese laborer's return certificate? A. No.

Q. Have you at any time within the last three years made application to an Immigration officer at a port of entry for Chinese or at a port of entry for aliens generally for admission to the United States?

A. No, I have never had anything to do with the Immigration office; I haven't seen any of them within that period.

Q. You are advised that you have a right to be represented by counsel at this hearing. Do you desire to avail yourself of this right?

A. If I engage an attorney it will cost money, and I have no money to engage one.

Q. Do you waive all right to be represented by counsel at this hearing? A. Yes, sir.

Q. How much money have you?

A. Two dollars.

Q. Have you any property or personal effects in the United States, aside from what you brought here with you? A. No.

Q. In case you are ordered deported, do you desire to be sent to Hong Kong, China, or to Mexico?

A. I cannot say; if you deport me to whichever place, why I have no choice in the matter.

Q. If you are deported to Mexico, would you prefer to be sent to Mazatlan, or would it suit you better to go to Nogales, Sonora, or to Juarez, Mexico?

A. Not having been to any of these places before, I would ask your recommendation, whichever place I could secure work you could recommend to me. If you send me back to China, it will cost about twelve dollars to go from Hong Kong to my home village, and I would rather be sent to some place where I could work two or three years and pay my way back to China. I have been in the United States forty-odd years, and I have never been back at all, and if I were to say that I came from China through Mexico and came into the United States I would be telling an untruth.

Do you desire to offer any evidence in support of your contention? A. No.

Q. Is there any further statement you desire to make to show cause why you should not be deported in conformity with law?

A. Nothing else to say; wherever you deport me I will have to go.

Q. Will you be able to furnish bond? A. No.

(NOTE BY EXAMINING OFFICER: Alien appears to be in normal mental and physical condition.)

Findings.

From the foregoing evidence, the alien OW SAM GOON, who entered the United States from Mexico at some place unknown subsequent to July 1, 1914, is found to be in the United States in violation of section 20 of the act approved February 20, 1907, in that he entered in violation of section 36 thereof, and Rule 13, Immigration Rules. It is further found from the evidence that said alien is subject to be taken into custody and returned to the country whence he came under section 21 of the above-mentioned act, being subject to deportation under the provisions of a law of the United States—to wit, the Chinese-exclusion laws—for the following among other reasons, to wit: That he is a Chinese laborer who failed when he re-entered the United States to produce to the proper officer the return certificate required by section 7 of the Chinese-exclusion act of September 13, 1888.

IT IS, THEREFORE, RESPECTFULLY RECOMMENDED to the Honorable Secretary of Labor that said alien be deported to Mexico, the country whence he came, in accordance with the provisions of sections 20 and 21 of the act approved February 20, 1907, as amended March 26, 1910, and that deportation be effected to the port of Mazatlan, Mexico.

ALFRED E. BURNETT.

Examining Officer.

I HEREBY CERTIFY that the foregoing is a true and correct transcript of the record of hearing in this case.

ABRAM O. HADDEN,
Stenographer.

Received Feb. 28, 1915. Immigration Service, Tucson, Ariz.

Received Mar. 2, 1915. Immigration Service. El Paso, Texas.

In the Matter of OW SAM GOON.

Statement of PASCUAL CARRION, taken by GROVER C. WILMOTH, Immigrant Inspector in the office of the Supervising Inspector, El Paso, Texas, February 26, 1915.

Present: GROVER C. WILMOTH, Examining Inspector.

M. S. BUTTNER, Interpreter.

WILLIAM A. BRAND, Acting Stenographer.

Witness sworn.

Q. What is your name?

A. Pascual Carrion.

Q. How old are you? A. 36 years old.

Q. Where do you live?

A. In Jaurez, Mexico. No. 70 Comercio Street.

Q. How long have you lived in Juarez?

A. About seven years.

Q. What is your business in Juarez, Mexico?

A. I am the manager of the Water Works Department of the City of Juarez, and also at the same address I run a plumbing and tinning shop of my own; I also hold a commission to over-see the Chinese

business in Juarez, looking after the opium and other details in the Chinese line.

Q. I understand you said on a previous occasion that you came in frequent contact with Chinese persons in Juarez, Mexico.

A. Yes, with the commission I hold from the Presidents in Juarez, Mexico, I come in direct contact with them and am well acquainted with the majority of the Chinese in Juarez.

Q. I show you a photograph here, on the face of which is marked "Ow Sam Goon." Will you state whether you have seen the original of that picture?

A. Yes sir; I have already stated to the officer who showed me the picture in Juarez that I knew him; immediately I saw the photograph I told him that I was familiar with the Chinaman and saw him on many occasions.

Q. Where did you see him and when?

A. I knew him at a laundry on a street called Noche Triets, behind a carpenter and blacksmith's shop, in Juarez, Mexico. I also wish to state that the police department in Juarez, after my talking to them and showing them the picture of the Chinaman referred to, they verified my statement to the effect that this Chinaman was in Juarez sometime ago.

Q. About how many occasions would you say you saw him in Juarez?

A. On several occasions when I had to go to this carpenter and blacksmith's shop to have work done in connection with my establishment, I saw the Chinaman quite often at this laundry, which adjoins

this establishment; I cannot recollect how many times, but many times.

Q. There is no doubt in your mind that the original of this photograph is a Chinese person whom you knew in Juarez, Mexico?

A. No sir, there is no doubt in my mind that this is the same Chinaman whom I knew in Juarez. Yesterday when I saw the two photographs, I immediately recognized this one, and said so to Inspector Buttner. Besides that I showed the photograph to the fellows in the police department there and they verified my statement and said they also knew him. One of the fellows that verified my statement is a ranger that lives next door to the laundry where this Chinaman was employed.

Q. When was the last time you saw this Chinaman, as well as you can remember?

A. I can't state exactly as to which of the two months it was last year; the last time I saw him over there was either in August or September last year. I will probably have to look up my records to see when I had work done at the blacksmith's shop about that time before I can state for sure.

Q. Sign the notes:

A. Witness requests that his statement be read over to him, which was done, after which he signed his name as follows: (traced by the stenographer)

P. CARRION.

I certify that the foregoing is a true and correct transcript of the notes taken by me at this examination.

WILLIAM A. BRAND,
Acting Stenographer.

MORRIS S. BUTTNER,
Interpreter.

GROVER C. WILMOTH,
Immigrant Inspector.

EXHIBIT NO. 2.



Received Feb. 28, 1915, Immigration Service, Tucson, Ariz.

El Paso File No. 5025/708-A.

Statement of Immigrant Inspector GROVER C. WILMOTH: In the office of the Supervising Inspector, U. S. Immigration Service, El Paso, Texas, February 27, 1915.

I am an Immigrant Inspector of the United States Immigration Service, stationed at El Paso, Texas.

I have been connected with the said Service for the past seven years. In the course of my duties as such Immigrant Inspector, on February 26, 1915, I personally conducted the examination of the witness Pascual Carrion, who identified a photograph shown him as that of a Chinese person whom he knew in Juarez, Mexico, and had frequently seen in that city. At that examination W. A. Brand acted as stenographer, and M. S. Buttner acted as Spanish Interpreter, the witness speaking the Spanish languages. The photograph exhibited by me to the witness Pascual Carrion on February 28, 1915, and identified by him as a likeness of a Chinese person personally known by him in Juarez, Mexico, is firmly attached to the upper left hand corner hereof. This photograph bears at the top thereof, above the head of the person represented, the signature "Pascual Carrion," written in ink; extending from the right shoulder across the body is written, in ink, "Ow Sam Goon"; across the bottom of the photograph is written, likewise in ink, "Grover C. Wilmoth, Feb. 26, 1915." This is the same photograph received at this office through the mails with letter from the Inspector in Charge at Tucson, Arizona, No. 1517/151 of February 28, 1915.

GROVER C. WILMOTH,
Immigrant Inspector.

Received bureau of immigration Mar. 3, 1915.
Application for Warrant of Arrest under Sections
20 and 21 of the Act of February 20, 1907.

DEPARTMENT OF COMMERCE AND LABOR
IMMIGRATION SERVICE.

File No. 5025/708-A.

(Place) El Paso, Texas,

February 27, 1915.

The undersigned respectfully recommends that the Secretary of Commerce and Labor issue his warrant for the arrest of Ow Sam Goon, Chinese, male (telegraphic warrant applied for February 26, 1915) the alien named in the attached certificate, upon the following facts which the undersigned has carefully investigated, and which, to the best of his knowledge and belief, are true:

(1) (Here state fully facts which show alien to be unlawfully in the United States. Give sources of information, and, where possible, secure from informants and forward with this application duly verified affidavits setting forth the facts within the knowledge of the informants.)

The person named is an alien, native and subject of China, and entered the United States from Mexico at some place unknown, subsequent to July 1, 1914, without inspection; further he re-entered the United States in violation of section 7 Chinese Exclusion Act of September 13, 1888, being a Chinese laborer who failed to produce to the proper officer the return certificate required by said act. These charges are shown by exhibit "A," consisting of statement of the alien taken at Tucson, Arizona, by Inspector Alfred E. Burnett, February 20, 1915; statement of Pascual Carrion, made to Immigrant Inspector Grover C. Wilmoth at El Paso, Texas, February 26,

1915, marked exhibit "B;" and copy of statement of Immigrant Inspector Grover C. Wilmoth of February 27, 1915, marked exhibit "C."

(2) The present location and occupation of above-named alien are as follows: United States detention quarters, Tucson, Arizona.

Pursuant to Rule 35 of the Immigration Regulations there is attached hereto and made a part hereof the certificate prescribed in paragraph (c) of said Rule, as to the landing or entry of said alien, duly signed by the immigration officer in charge at the port through which said alien entered the United States. Verification of landing not submitted as entry without inspection was effected, and there is no record of landing extant.

MWB. (Signature) F. W. BERKSHIRE,
(Official title) Supervising Inspector.

File W.W.

El Paso File No. 5025/708-A.

Statement of Immigration Inspector GROVER C. WILMOTH: In the Office of the Supervising Inspector, U. S. Immigration Service, El Paso, Texas, February 27, 1915.

I am an Immigrant Inspector of the United States Immigration Service, stationed at El Paso, Texas. I have been connected with the said Service for the past seven years. In the course of my duties as such Immigrant Inspector, on February 26, 1915, I personally conducted the examination of the witness Pascual Carrion, who identified a photograph shown him as that of a Chinese person whom he knew in Juarez, Mexico, and had frequently seen in that

city. At that examination W. A. Brand acted as stenographer, and M. S. Buttner acted as Spanish Interpreter, the witness speaking the Spanish language. The photograph exhibited by me to the witness Pascual Carrion on February 26, 1915, and identified by him as a likeness of a Chinese person personally known by him in Juaraz, Mexico, is firmly attached to the upper left hand corner hereof. This photograph bears at the top thereof, above the head of the person represented, the signature "Pascual Carrion," written in ink; extending from the right shoulder across the body is written, in ink, "Ow Sam Goon"; across the bottom of the photograph is written, likewise in ink, "Grover C. Wilmoth, Feb, 26, 1915." This is the same photograph received at this office through the mails with letter from the Inspector in Charge at Tucson, Arizona, No. 1517/151 of February 22, 1915.

GROVER C. WILMOTH,

Immigrant Inspector.

Received Mar. 3, 1915. Correspondence.

File No. 5025/708.

In the Matter of OW SAM GOON.

Statement of PASCUAL CARRION, taken by GROVER C. WILMOTH, Immigrant Inspector in the office of the Supervising Inspector, El Paso, Texas. February 26, 1915.

Present: GROVER C. WILMOTH, Examining
Inspector.

M. S. BUTTNER, Interpreter.

WILLIAM A. BRAND, Acting Steno-
grapher.

Witness sworn.

Q. What is your name? A. Pascual Carrion.

Q. How old are you? A. 36 years old.

Q. Where do you live?

A. In Juarez, Mexico. No. 70 Comercio Street.

Q. How long have you lived in Juarez?

A. About seven years.

Q. What is your business in Juarez, Mexico?

A. I am the manager of the Water Works Department of the City of Juarez, and also at the same address I run a plumbing and tinning shop of my own; I also hold a commission to over-see the Chinese business in Juarez, looking after the opium and other details in the Chinese line.

Q. I understand you said on a previous occasion that you came in frequent contact with Chinese persons in Juarez, Mexico.

A. Yes, with the commision I hold from the President in Juarez, Mexico, I come in direct contact with them and am well acquainted with the majority of the Chinese in Juarez.

Q. I show you a photograph here, on the face of which is marked "Ow Sam Goon." Will you state whether you have seen the original of that picture?

A. Yes, sir; I have already stated to the officer who showed me the picture in Juarez that I knew him; immediately I saw the photograph I told him

that I was familiar with the Chinaman and saw him on many occasions.

Q. Where did you see him and when?

A. I knew him at a laundry on a street called Noche Triete, behind a carpenter and blacksmith's shop, in Juarez, Mexico. I also wish to state that the police department in Juarez, after my talking to them and showing them the picture of the Chinaman referred to, they verified my statement to the effect that this Chinaman was in Juarez sometime ago.

Q. About how many occasions would you say you saw him in Juarez?

A. On several occasions when I had to go to this carpenter and blacksmith's shop to have work done in connection with my establishment, I saw the Chinaman quite often at this laundry, which adjoins this establishment; I cannot recollect how many times, but many times.

Q. There is no doubt in your mind that the original of this photograph is a Chinese person whom you knew in Juarez, Mexico?

A. No, sir, there is no doubt in my mind that this is the same Chinaman whom I knew in Juarez. Yesterday when I saw the two photographs, I immediately recognized this one, and said so to Inspector Buttner. Besides that I showed the photograph to the fellows in the police department there and they verified my statement and said that they also knew him. One of the fellows that verified my statement is a ranger that lives next door to the laundry where this Chinaman was employed.

Q. When was the last time you saw this Chinaman, as well as you can remember?

A. I can't state exactly as to which of the two months it was last year; the last time I saw him over there was either in August or September last year. I will probably have to look up my records to see when I had work done at the blacksmith's shop about that time before I can state for sure.

Q. Sign the notes:

A. Witness requests that his statement be read over to him, which was done, after which he signed his name as follows: (traced by the stenographer).

P. CARRION.

I certify that the foregoing is a true and correct transcript of the notes taken by me at this examination.

WILLIAM A. BRAND,
Acting Stenographer.

GROVER C. WILMOTH,
Immigrant Inspector.

MORRIS S. BUTTNER,
Interpreter.

Received Feb. 25, 1915. Immigration Service, El Paso, Texas.

OFFICE OF INSPECTOR IN CHARGE.

Tuscon, Arizona, February 20, 1915.

File No. 1517/151-A.

Statement of OW SAM GOON.

Present: ALFRED E. BURNETT, Examining Officer.

W. WHITE THACHER, Chinese Interpreter.

ABRAM O. HADDEN, Stenographer.

(Examining Officer to Alien:)

I am a Chinese Inspector in the service of the United States. I desire to take a statement from you relative to your right to be in this country. Such statement, if made, is to be voluntary on your part, and you are warned that same may be used against you in any subsequent proceedings which may arise.

ALIEN.—All right.

Alien Sworn.

(Examining officer to Alien:)

Q. What is your name? A. Ow Sam Goon.

Q. What is your marriage name?

A. I am not married.

Q. Have you ever been known by any other name than Ow Sam Goon?

A. White people call me "Sam." That is the only other name I have ever been known by.

Q. Write your name in the stenographer's notes.

(Alien wrote his name in the stenographer's notebook as follows:)

Q. Can you write your name in English?

A. No.

Q. How old are you? A. Fifty-nine.

Q. What is your occupation? A. Cook.

Q. Have you always been a cook? A. Yes, sir.

Q. Did you ever follow any other occupation?

A. No.

Q. In what village and district were you born?

A. Ong Woo Loy village, H. P. District, China.

Q. Are you a citizen of China, and of the Chinese race? A. Yes.

Q. What is your wife's name? A. No wife.

Q. Never been married? A. No, sir.

Q. How many brothers did you have?

A. I had one elder brother; he is dead.

Q. Did you have but one brother?

A. That is all.

Q. Where did your brother die? A. In China.

Q. Did he ever come to this country? A. No.

Q. Are your parents dead? A. Yes, sir.

Q. Did they ever come to this country?

A. No, sir.

Q. How long has your father been dead?

A. Died when I was seven years of age.

Q. How long has your mother been dead?

A. When I was twenty-four years of age.

Q. When and where did you first come to this country?

A. 1874 or 1873. Those are the two dates I have been able to pick up since I have been here.

Q. What date Chinese calendar did you come to this country?

A. T. C. 13/5 month (between June and July, 1874); the steamer only made one trip to the United States, a very small steamer.

Q. Where did you land from that steamer?

A. San Francisco.

Q. How many trips have you made back to China?

A. I have never been back.

Q. How long did you live in San Francisco after arriving there first?

A. I was only two days in San Francisco, then I went to Sacramento.

Q. How long did you stay continuously in Sacramento?

A. Over forty years, ever since I came to the United States.

Q. Did you go to any other place to live awhile during those forty years?

A. Carson City, Nevada.

Q. When did you go there, and how long did you stay?

A. I went there in K. S. 16th year, worked for four months, and then returned to Sacramento.

Q. Have you ever lived anywhere else in the United States except Sacramento and Carson City?

A. I was also a year in Chico, California.

Q. What year was that?

A. K. S. ninth year.

Q. Have you lived anywhere else besides those three places? A. That is all, sir.

Q. Now, when did you last leave Sacramento?

A. Three months ago.

Q. Give me the exact date.

A. I cannot recollect.

Q. But you are sure it has been just about three months ago, are you? A. Yes, sir.

Q. What was the last job you had in Sacramento?

A. At the French restaurant, between Fifth and

K streets, Sacramento.

Q. What were you doing in that restaurant?

A. Cook.

Q. How long did you cook there continuously?

A. Over ten years.

Q. Now, when did you cease to be the cook at the French restaurant?

A. About four years and three or six months ago.

Q. And you haven't had a job whatever during the last four years and three months?

A. After that sometimes I worked in the camp and sometimes I worked with private families.

Q. Now, you told me a moment ago that the last job you had was as a cook in the French restaurant. Now, you want to change that answer, do you?

A. No; what I meant was that the last steady job that I had was at the restaurant; after that I worked in several different places, and the last place was in a hotel and restaurant along the river there on First street.

Q. What was the name of that hotel and restaurant?

A. It is not exactly a hotel; it is a sort of a boarding house where they come and board. I only worked there four days.

Q. When was that you worked four days in that place? A. Five months ago.

Q. Who was the proprietor of that boarding house?

A. All I know is Mrs. Ly (phonetic) a white woman; that is all I know about it.

Q. Who was the head cook there?

A. I was the only cook there.

Q. And those four days' work at that boarding house five months ago was the very last work you have done. Is that correct? A. Yes, sir.

Q. Now, what was the last job you had just before that?

A. At Lewisville and also some other place close by doing sundry work.

Q. You told me a moment ago that you had never lived at any place except Sacramento, Carson City, and Chico. Now you say you lived at Lewisville.

A. I included Lewisville in Sacramento, because it is close by, it is only eighteen miles away.

Q. How long did you work at Lewisville?

A. Twenty-eight days.

Q. What did you do there? A. Cook.

Q. For whom?

A. At the Lee Poy restaurant in Lewisville.

Q. When did you leave that job?

A. About a year ago.

Q. Who was the proprietor of that restaurant?

A. Lee Poy is the manager; the restaurant is run under his name.

Q. Is he there now?

A. That I don't know; when I left he was still there.

Q. Have you heard from him since you left Lewisville?

A. No, he does not know where I have gone.

Q. Can you give me the month and year in which you left that restaurant in Lewisville?

A. About the fifth month of last year (between

May and June, 1914).

Q. Where did you go then?

A. Returned to Sacramento.

Q. What was the next job you had?

A. Then I went to work in that boarding-house on First street for four days.

Q. Where have you been eating and sleeping since you left Lee Poy's place until recently?

A. I rented a room at 909 $\frac{1}{2}$ Third street, Sacramento.

Q. Did you eat and sleep in that room?

A. Yes, sir.

Q. From whom did you rent?

A. Yuen Sieu; he is the man that rents these rooms out.

Q. Is that lodging house at 909 $\frac{1}{2}$ Third street?

A. Yes, sir.

Q. Was your room in the basement, first, second, or third floor? A. Basement.

Q. Did Yuen Sieu himself have rooms in the basement?

A. He also lived in the basement. The room above is a store.

Q. What is the name of that store?

A. Hung Loong, tailor-shop.

Q. Who is the boss man in the tailor-shop?

A. His family name is Loui, but I don't know his other name, as I have no communications with him.

Q. Did you know the men that worked in that tailor-shop? A. No.

Q. The man that rented you your room, Yuen Sieu, do you know him well?

A. He has known me for a long time.

Q. Now, when did you give up your room in the basement at 909½ Third Street, Sacramento?

A. About eight months ago.

Q. Then where did you go to sleep?

A. Then, when I gave up the room I went to Lodi.

Q. Have you been in Lodi ever since eight months ago? A. No, then I came straight out.

Q. How long did you live at Lodi?

A. Three days.

Q. Then where did you go directly from Lodi?

A. Then I went to Hoot (phonetic) Station, thirty-five cents car-fare.

Q. How long did you stay there? A. Six days.

Q. Then where did you go?

A. Then I walked to Madera.

Q. How long did you stay in Madera?

A. About four days.

Q. Then where?

A. Then I went,—I don't know the name of the place where I went to, I walked all the way.

Q. How long has it been since you left Madera, California? A. About four months ago.

Q. But you say you haven't been in Sacramento for eight months? A. Yes.

Q. Did it take you four months to go from Sacramento to Madera?

A. I went to different places to look for work, but I didn't go direct.

Q. Now, you left Madera about four months ago. What was the next town you came to?

A. Stayed over night one night in Fresno, where I bought some bread.

Q. And then what was the next town?

A. Then I followed the road, I don't know where I went to.

Q. Can you name any of the towns you passed through since you left Fresno?

A. I didn't pass any towns there; I spent the night in barns and stables out in the country.

Q. In walking down into this country from Madera and Fresno, California, have you traveled along the railroad track altogether?

A. Followed the carriage road.

Q. Have you ever been in Los Angeles?

A. I don't know that place.

Q. Have you ridden on the cars any since you left Madera? A. No.

Q. Now, you and Poong Quan were taken out of the ice-box of a refrigerator-car last night, weren't you? A. Yes, sir.

Q. How long had you been in that car?

A. We got in last night only.

Q. You told me last night that you had been in that car five or six hours when taken out. Is that true?

A. I am not exactly sure, but I think it is about that time; as I entered the car it was just about getting dark.

Q. What is the name of that place where you got into that car? A. I don't know.

Q. Now, you told me last night that you got into that car at a place called Tucson and pointed off in an easterly direction from this place.

A. No, what I meant to say was that I intended

to come to Tucson to find work.

Q. Where are you now? A. I don't know.

Q. Well, what was the name of that town where you got into that box car? A. I don't know.

Q. How many times did the train stop after you got into the car until it stopped at this place?

A. That I am not sure; it must have stopped once, but I am not sure, as I was sleepy and kind of dozed off.

Q. Was the train running pretty fast a part of the time? A. Not very fast.

Q. Now, you are pretty sure that you rode in that car five or six hours before you were caught, are you?

A. I am not sure of the exact length of time, as I had no watch.

Q. Was it several hours?

A. About several hours.

Q. Did you get into that car while the train had stopped on a side track at a town?

A. I got into the car right close to the town.

Q. Was it a large town or a small town?

A. Very small place only.

Q. Who put you into that car?

A. I climbed up myself.

Q. Now, your traveling companion says that you and he got into that car together. Is that true?

A. No, sir; he is not telling the truth.

Q. Well, did you get in first or did he get in first?

A. He was in there first; when I went in I found him inside.

Q. Did you see him get in? A. No.

Q. He says that he got into that car at a place called Tucson, about a five or six-hour run from here. Do you think that is true?

A. That I don't know.

Q. Now, how much did you pay the brakeman to haul into this place? A. Nothing.

Q. Did you see any member of the train crew while you were in the car? A. No, sir.

Q. Now, did you have any food and water in the car? A. I had some coffee.

Q. Take it into the car with you?

A. I had it in a bottle.

Q. You had a loaf of bread, too, didn't you?

A. No, sir; the small pieces are mine.

Q. Where did you get these small pieces of bread?

A. A lady gave it to me.

Q. Where?

A. In a garden there, but I don't know the name of the place.

Q. Near the town where you got into the car?

A. Yes, sir; about four or five miles away.

Q. Now, here is an ordinary white cook apron that your traveling companion says you took out of your pocket to wrap up the bread in. Is this your apron?

A. Yes, sir.

Q. Where did you get this apron?

A. Brought it from Sacramento.

Q. Now, you say this loaf of bread with the paper around it is not yours. Whose is it?

A. It is not mine; it belongs to the other Chinaman.

Q. Now, in the car vent in which you and Poong

Quan were, were two pieces of rugs. Where did they they come from? A. I don't know.

Q. They are not yours?

A. No, this apron is mine only; I acknowledge it.

Q. Now, how long had you been at that little town where you got into this car? A. About two hours.

Q. Any Chinese live at that place?

A. No; I didn't even see a white man.

Q. Why did you come down into this country from Sacramento? A. To look for work.

Q. Who told you there was any work to be had down in this country?

A. They said that in Los Angeles and round about here there was plenty of work to be found, so that is why I came.

Q. You told me a while ago you never heard of this place Los Angeles.

A. I meant that I did not know the place.

Q. Do you tink this town you are in now is Los Angeles? A. I don't know.

Q. Didn't you say you were trying to go to Tucson? A. Yes, sir.

Q. Do you know anybody at Tucson? A. No.

Q. Why are you trying to go to Tucson, then?

A. I heard the name Tucson mentioned, so I thought I would go to that place.

Q. Well, did you get into that box-car for the purpose of going to Tucson?

A. I didn't know where I was going.

Q. Well, why didn't you get out when you got to Tucson?

A. I didn't know where I was, I could not see from the car.

Q. Now, when did you leave Juarez, Mexico?

A. I don't know anything about that place.

Q. Now, when did you leave Mexico?

A. I don't know Mexico.

Q. Who is that man that conducted you to the car and put you and Poon Quan in?

A. Nobody; we went in there ourselves, just wandered in?

Q. When did you leave Deming, New Mexico?

A. I don't know Deming.

Q. When did you leave Lordsburg?

A. Never been to Lordsburg.

Q. Have you ever been in the state of Arizona?

A. No.

Q. Where do you want to go now?

A. I would like to go back to Sacramento.

Q. You just came down into this country, then, to look around and go back, did you?

A. No, I came to look for work; if I could make any money I would go back.

Q. How much money have you?

A. Two dollars.

Q. Are those your neck-ties? (Indicating several neck-ties.) A. Yes, sir.

Q. Where did you get this one (referring to neck-tie having the trade-mark "Pomeroy Bros., Sacramento")? A. Sacramento.

Q. Where did you get this blue neck-tie (indicating)?

A. I got that at the French restaurant when a man, a foreigner, was taking his meals; he did not want that tie and so gave it to me.

Q. That was in Sacramento? A. Yes, sir.

Q. How long ago? A. Oh, about five years ago.

Q. About five years ago, was it? A. Yes, sir.

Q. You think that accounts for the fact that the neck-tie has the trade-mark: "The Popular D.G.Co., El Paso, Texas"?

A. That I don't know, because that was given to me at Sacramento.

Q. Where did you get this silver watch (indicating watch)? A. Sacramento.

Q. Did you buy it new? A. Second-hand.

Q. How long ago?

A. About fifteen or sixteen years ago.

Q. Where were you living in K.S. 19 and 20?

A. Sacramento.

Q. Didn't you tell me a while ago that you were in Chico, California, from K.S. 19 to 21?

A. No, sir; it was K.S. 9th year.

Q. During the registration period for Chinese did you register and procure a certificate of residence?

A. Yes.

Q. Under what name did you register?

A. Ow Sam Goon.

Q. What was the number of your certificate?

A. I don't know.

Q. Where is that certificate now?

A. At Sacramento.

Q. In whose custody?

A. At the Hung Loong tailor-shop, Third Street.

Q. Who has charge of your certificate?

A. It is in the custody of Loui Gar Soon.

Q. What is Loui Gar Soon's business?

A. He operates that Hung Loong tailor-shop.

Q. You told me a while ago you didn't know who the boss man of that shop is.

A. He is now in China. I meant that the other man I don't know.

Q. Is Loui Gar Soon now in China?

A. Yes, sir.

Q. When did he go?

A. Chinese first month, last year (between January and February, 1914).

Q. Who went with him? A. I don't know.

Q. Were you there when he left Sacramento?

A. Yes, I hadn't gone yet.

Q. When you left Sacramento, Loui Gar Soon was still there, was he? A. Yes, sir.

Q. But you say you left Sacramento eight months ago? A. Yes.

Q. And he left there a year ago, How can that be?

A. It was about that time, but I don't know for sure.

Q. And while you were still in Sacramento, Loui Gar Soon left for China. Is that correct?

A. He had already returned to China before I left Sacramento.

Q. Did he take your certificate with him?

A. No, he has got it at his store.

Q. In whose custody did he leave it in the store?

A. I don't know, because he is the only one I know.

Q. Why did you leave your certificate of residence with this man? You said a while ago you didn't

know him very well.

A. I gave it to him to keep for me.

Q. Where did he keep it, do you know?

A. I don't know; for instance, if I give you a paper I would not know where you keep it.

Q. Did he have an iron safe in his tailor-shop?

A. That I don't know.

Q. About when did you give your certificate of residence into the custody of Loui Gar Soon?

A. About sixteen or seventeen months ago.

Q. Have you seen your paper since? A. No.

Q. And you know that Loui Gar Soon has since gone to China? A. Yes, sir.

Q. You went with him, didn't you?

A. If I had money to go back to China I would be in good fortune.

Q. If you were in Sacramento now, to whom would you apply for that certificate?

A. I would approach the store to find it

Q. Whom would you ask in that store for that paper? A. I would ask the man in charge.

Q. Who is he?

A. I don't know, because all I got to do is to ask for the manager and find out from him.

Q. Do you know any of the men that work in that tailor-shop? A. No.

Q. Have you any baggage left there in the tailor-shop or down in the basement where you used to have your room? A. No.

Q. Do you know any white men in Sacramento?

A. Yes.

Q. Whom do you know?

A. Mr. Four (phonetic) at the French restaurant.

Q. Is he connected with that restaurant?

A. He boards at that restaurant.

Q. How long has it been since you saw him?

A. Five years ago.

Q. Was he there when you left Sacramento eight months ago? A. I don't know.

Q. You haven't seen him for about five years?

A. Yes, that is right.

Q. Do you know any other white men in Sacramento?

A. Mr. Johnson; he is in the employ of the Government, working in the Capitol.

Q. Do you mean the Governor?

A. I know Governor Johnson.

Q. Does he know you well?

A. He has known me for a long time.

Q. When was the last time you saw Governor Johnson? A. Over a year ago.

Q. How much over a year?

A. It may be a year or more, and may be it is just about a year, I am not sure.

Q. Where did you see him the last time?

A. On Tenth Street in Sacramento; I met him walking.

Q. How does he happen to know you so well?

A. I have worked for him and also his father.

Q. In what capacity did you work for him?

A. Cook.

Q. Cook in his father's family? A. Yes, sir.

Q. Cook in his family?

A. I have also cooked for his father's family and his family.

Q. For how long did you cook in the Governor's family? A. About a year.

Q. When did you quit cooking for the Governor?

A. I cannot remember now, it is so long ago.

Q. About how many years ago?

A. About eight or ten years ago, but I cannot remember.

Q. Did you have any conversation with the Governor about a year ago?

A. He asked me, "How-do, Sam," and I said, "How-do, Mr. Johnson." That is all.

Q. Didn't you tell him you were on the point of going to China?

A. No, I have not been back to China; why should I say so to him. I didn't say anything like that because I have no money.

Q. What other white men do you know in Sacramento?

A. Mr. Cotron (phonetic), retailer wood and fuel on Second Street, I don't know what number.

Q. When was the last time you saw him?

A. Oh, about ten years ago.

Q. What white man now in Sacramento knows you?

A. George Lider (phonetic); he is a guide, he now hangs around Chinatown.

Q. When was the last time you saw him?

A. About nine months ago; I saw him a week or two before my departure.

Q. What other white men in Sacramento know you? A. That is all.

Q. Did you ever see a Chinese inspector in Sacramento?

A. I didn't know which was the inspector.

Q. Did you ever show your certificate of residence to an inspector? A. No, sir.

Q. Not since you received it? A. No, sir.

Q. What are you going to do about procuring your certificate of residence?

A. I would like to write to Governor Johnson and ask him to find it for me. The inspector took me off the car, but I don't know for what purpose.

Q. Why do you try to travel around the country without your certificate of residence?

A. They have never examined my certificate for all this while, and I thought it would not be necessary to take it.

Q. Have you ever been arrested?

A. No, sir; never been in jail at all.

Q. Have you ever been a witness for a Chinese person? A. No.

Q. Where did you get those shoes (indicating shoes which alien has on)? A. San Francisco.

Q. When? A. Two years ago.

Q. Why, in all the accounts of your travels, you haven't indicated that you have been in San Francisco since you first came to this country in 1874.

A. I didn't state San Francisco, because I have never worked there. I have made several visits there on pleasure.

Q. At the time you bought those shoes two years ago, how long did you stay in San Francisco?

Six days.

Q. From whom did you buy these shoes (indicating shoes which alien has on) ?

A. From a Chinese store.

Q. What store ?

A. The Lin Hing store at Sacramento Street.

Q. How do you account for the fact that these shoes have a Chinese trade-mark in them ?

A. Those shoes were made by Chinese.

Q. Where? A. San Francisco.

I HEREBY CERTIFY that the foregoing is a true and correct transcript of the record of investigation in this case.

ABRAM O. HADDEN,
Stenographer.

No. 53944/35.

February 27, 1915.

Immigration Service,
Tucson, Ariz.

Arrew Ow Sam Goon, zebu, erudite. Relay
twenty-five.

Assistant Secretary.

CEB.

Exact copy as signed by LOUIS F. POST.
Mailed 2-27 by L.

WARRANT—ARREST OF ALIEN.
UNITED STATES OF AMERICA.
U. S. DEPARTMENT OF LABOR.
Washington.

No. 53944/35.

To F. W. BERSHIRE, Supervising Inspector, El
Paso, Texas,

Or to any Immigrant Inspector in the service of
the United States.

WHEREAS from evidence submitted to me, appears that the alien Ow Sam Goon, who landed at an unknown port, on or about the 15th day of February, 1915, is subject to be taken into custody and returned to the company whence he came under section 21 of the immigration act approved February 20, 1907, being subject to deportation under the provisions of a law of the United States, to wit, the Chinese exclusion laws, for the following among other reasons:

That he re-entered the United States in violation of section 7, Chinese exclusion act of September 13, 1888, being a Chinese laborer who failed to produce to the proper officer the return certificate required by said section, and WHEREAS, from evidence submitted to me, it appears that the said alien has been found in the United States in violation of the act of February 20, 1907, amended by the act approved March 26, 1910, for the following among other reasons:

That he entered in violation of section 36 of said act (rule 13).

I, Louis F. Post, Assistant Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said alien and grant him a hearing to enable him to show why he should not be deported in conformity with law.

The expense of detention hereunder, if necessary, are authorized, payable from the appropriation "Expenses of Regulating Immigration, 1915." Pending disposition of his case the alien may be released from custody upon furnishing satisfactory bond in the sum of \$2,500.

For so doing, this shall be your sufficient warrant.
Witness my hand and seal this 27th day of February, 1915.

Exact copy as signed by LOUIS F. POST.

Mailed 2/27 by L.

By _____,
Assistant Secretary of Labor.

CEB.

DEPARTMENT OF LABOR.
TELEGRAM.

2PO. Y. 17 Paid G. R. Night.

944/35

Received, Bureau of Immigration, Feb. 27, 1915.

El Paso, Texas, February 26, 1915.

Immigration

Washington, D. C.

Wadding Ow Sam Goon Chinese male erudite zebu
relegate twenty five. Wire Tucson.

BERKSHIRE.

February 27, 1915, 914 am.

[Endorsed]: No. 15,802. U. S. District Court,
Northern District of California, First Division. In
the Matter of Owe Sam Goon, on Habeas Corpus.
Respts. Exhibit "A." Filed Apr. 17, 1915. W. B.
Maling, Clerk. By Lyle S. Morris, Deputy Clerk.

Case No. 2702. U. S. Circuit Court of Appeals for
the Ninth Circuit. Respondent's Exhibit "A."
Filed Dec. 9, 1915. F. D. Monckton, Clerk.

*In the United States Circuit Court of Appeals, for
the Ninth Circuit.*

SAMUEL W. BACKUS, Commissioner of Immigration,
tion,

Appellant,

vs.

OWE SAM GOON,

Appellee.

**Order Extending Time [to File Record and Docket
Case in Appellate Court].**

Good cause appearing therefore, and it appearing to this Court that further time is needed in which to provide for the return of the certified Immigration record from the Department of Justice at Washington, D. C., which said record was temporarily withdrawn from the files by order of the District Court;

IT IS HEREBY ORDERED that the appellant herein, Samuel W. Backus, may have to and including the 25th day of August, 1915, within which to file his record on appeal and docket the case in the United States Circuit Court of Appeals for the Ninth Circuit.

Dated July 15, 1915.

WM. W. MORROW,
United States Circuit Judge for the Ninth Circuit.

[Endorsed]: No. 2702. U. S. Circuit Court of Appeals, Ninth Circuit. Samuel W. Backus, Commissioner of Immigration, vs. Owe Sam Goon. Order Extending Time in Which to File Record and Docket. Filed Jul. 15, 1915. F. D. Monckton, Clerk.

Refiled Dec. 9, 1915. F. D. Monckton, Clerk.